

In numbered paragraph 4 on page 2 of the Office Action, claims 1, 3-11, 13-65, and 67-70 are rejected under 35 U.S.C. §103(a) for alleges unpatentability over *Aldam* (WO Patent No. 02/071677) in view of *Asplen* (U.S. Patent No. 6,044,354). Applicant respectfully traverses this rejection.

The *Aldam* and *Asplen* patents fail to establish a *prima facie* case of obviousness because they do not disclose or suggest every element recited in Applicant's claims.

As shown in Figures 1-4, exemplary embodiments are directed to methods and systems of product development and commercialization. This process includes an initial step of determining customer requirements for a product. The requirements are stored and evaluated through an economic analysis. Upon a favorable economic analysis, the customer's initial requirements are finalized and a base technology that meets all or some of the customer's requirements, or can be modified to meet them, is selected. Once the base technology is selected, a determination is made as to whether modifications are needed so that the final requirements can be met. The modified base technology is tested to verify that it meets the customer's final requirement. The product is evaluated to determine that it complies with laws and regulations of all jurisdictions where the product would be made, transported, or sold. The product is then commercialized based on engineering and manufacturing specifications per all manufacturing locations.

The system enables all participants involved in the process to have correct and complete information regarding the product development through the use of electronic mailing.

Email can be sent to a participant through a listener-type module that listens for predetermined activities in a database. When an activity occurs, the listener module passes an instruction to an email application to send an appropriate message.

Each of independent claims 1, 16, 39, 56, and 67 recite, among other features, sending an electronic mail notification as controlled by software code portion listener module that listens for completion of a step being stored in the database, and upon such an occurrence of the completion being stored, the listener module passes an instruction to an email application to send a pre-determined message to a participant.

The Examiner alleges that the *Aldam* patent discloses every element recited in the aforementioned claims except for steps of determining a return on investment and locking portions of the database. The Examiner relies on the *Asplen* patent in an effort to remedy these deficiencies. Contrary to the Examiner's assertions, however, Applicant respectfully submits that the *Aldam* patent fails to disclose or suggest sending an electronic mail notification as recited in the aforementioned claims.

The *Aldam* patent discloses a system for information, creation, and management in which information about chemicals can be tracked during the drug discovery, approval, and maintenance process. Once the planning process for a new product is in place,

information deliverables are defined, scheduled, and tracked. This portion of the process can be performed through tasks that are to be tracked by the owner of the information deliverable, and tasks that are the responsibility of a line manager. An owner schedules due dates that corresponds to each of the identified goals of the system. The owner also tracks information deliverables by either maintaining a list of statuses or sending emails to responsible people or teams notifying them that they should have reached a particular milestone by a certain point in order to meet a projected due date. See page 12, line 27 through page 14, line 11; Figure 6. The Examiner alleges that it is the sending of this email that is analogous to Applicant's claimed electronic mail notification.

Applicant's claimed electronic mail notification is controlled by a software code portion listener module that listens for completion of a step being stored in the database, and upon such occurrence of the completion being stored, the listener module passes an instruction to an email application to send a pre-determined message to a participant. In contrast, the *Aldam* patent merely discloses that emails are sent to responsible people or team and fails to appreciate the use of a module that listens for completion of a step being stored in a database as claimed. Thus this document does not disclose or suggest the above-noted claim feature.

The *Asplen* patent is directed to a computer based product planning system in which various stages of product planning are organized through planning chapters, such as, idea assessment, opportunity assessment, business plan, implementation planning, and product

lunch. While not acquiescing to the particular teachings of this document as alleged by the Examiner, Applicant does submit that the *Asplen* patent fails to disclose sending an email notification as recited in Applicant's claims.

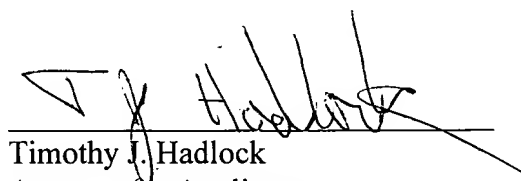
In summary, the *Aldam* and *Asplen* patents which applied individually or in the manner relied upon by the Examiner fail to disclose or suggest every element recited in Applicant's claims. Particularly, the combined documents fail to disclose or suggest sending an electronic mail notification that is controlled by a software code listener module that listens for completion of a step being stored in the database, and upon such an occurrence of the completion being stored, the listener module passes an instruction to an email application to send a pre-determined message to a participant, as recited in claims 1, 16, 39, 56, and 67. Applicant notes that neither does any of the identified relevant prior art of record remedy the deficiencies of the *Aldam* and *Asplen* patents with respect to the aforementioned claim feature. Accordingly, a *prima facie* case of obviousness has not been established.

The Office has the initial burden of establishing a **factual basis** to support the legal conclusion of obviousness. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). For rejections under 35 U.S.C. § 103(a) based upon a combination of prior art elements, in KSR Int'l v. Teleflex Inc., 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007), the Supreme Court stated that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently,

known in the prior art." "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some **articulated reasoning with some rational underpinning** to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) (emphasis added). Based on the foregoing discussion, withdrawal of the rejection of independent claims 1, 16, 39, 56, and 67 and their corresponding dependent claims is respectfully requested.

Applicant submits that claims 1, 3-11, 13-65, and 67-70 are allowable, and this application is in condition for allowance. Accordingly, Applicant requests a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicant requests that the undersigned attorney be contacted at the number below.

Respectfully submitted,



Timothy J. Hadlock
Attorney for Applicants
Reg. No. 35,531

P.O. Box 6006
San Ramon, CA 94583-2324
(925) 842-1884

Date: January 17, 2008